

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FREDRICK HEINZ,

Plaintiff,

v.

LELAND TESCHENDORF, *et al.*,

Defendant(s).

CIVIL ACTION NO. 05 CV 73470 DT

DISTRICT JUDGE GEORGE CARAM STEEH

MAGISTRATE JUDGE VIRGINIA M. MORGAN

ORDER

This matter comes before the court on plaintiff's "Request for Ruling on Objections and/or Motion to Compel Discovery With Incorporated Brief in Support." (Docket Entry #28)

IT IS ORDERED that the motion is **GRANTED IN PART** and **DENIED IN PART**, as set forth below:

(1) Plaintiff's motion is **DENIED** as to his request for an order requiring further supplementation of defendants' answers to Interrogatory #3 of Plaintiffs' First Set of Interrogatories to Defendant Kern. While the initial answer was plainly insufficient, the supplemental answer is sufficient. However, neither the initial answers to Plaintiffs' First Set of Interrogatories to Defendant Kern nor the supplemental answer to Interrogatory #3 thereof were properly signed as required by Fed. R. Civ. P. 33(b)(2). Plaintiff is entitled to signed answers.

Accordingly, defendants are hereby ordered to provide signed answers to Plaintiffs' First Set of Interrogatories to Defendant Kern.

(2) Defendants' objection to Interrogatory #21 of Plaintiff's Second Set of Discovery Interrogatories and Request for Production of Documents to Defendant Kern is sustained, in part, and overruled in part. The court agrees with defendants that the interrogatory is temporally overbroad, but agrees with plaintiff that the offered production of reports from 2003 through 2005 is too limited. Accordingly, defendants are hereby ordered to produce any jail inspection reports generated from 2000 through 2005 that are relevant to the subject matter of plaintiff's claim against Tuscola County, i.e., that the County had a pattern or practice of denying pretrial detainees out-of-cell time for exercise and/or of failing to provide nutritionally adequate food to pretrial detainees.

(3) Defendants have failed to provide plaintiff with signed answers to Plaintiff's Second Set of Discovery Interrogatories and Request for Production of Documents to Defendant Kern. Defendants are hereby ordered to provide signed answers as required by Fed. R. Civ. P. 33.

(4) Plaintiff's request for an order requiring defendants to produce their personnel files is **DENIED**. Plaintiff has failed to show that production of those files is likely to lead to the discovery of admissible evidence. Further, the court finds that defendants have legitimate security and privacy concerns regarding the production of those files. Without a clear showing of the necessity for the production of those files, the court is not inclined to order such production.

(5) In light of defendants' response to Request for Production of Documents #2 of Plaintiff's Second Set of Discovery Interrogatories and Request for Production of Documents to Defendant Kern, it appears that plaintiff's request for an order compelling additional production is moot. Plaintiff's request is denied as such.

(6) With respect to the signing of the interrogatories, with the exception of any matters that might require the personal knowledge of a particular defendant, the interrogatories may be signed by any Tuscola County agent or official with knowledge of the matters contained therein.

(7) To the extent any issue raised in the motion has not been expressly addressed herein, the motion is otherwise **DENIED**.

IT IS SO ORDERED.

Dated: April 24, 2006

s/Virginia M. Morgan
VIRGINIA M. MORGAN
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

The undersigned certifies that the foregoing Order was served upon Fredrick Heinz and counsel of record via the Court's ECF System and/or U. S. Mail at the address disclosed on the notice of electronic filing on April 24, 2006.

s/Jennifer Hernandez
Case Manager to
Magistrate Judge Virginia M. Morgan